IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
WEDNESDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY
And
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO: 5775 of 2004

Between:

K. Shankaraiah, S/o. Kondaiah,
Seed Multiplication Farm, Chinnapavani, Prakasam District.

... PETITIONER

AND

1 The Joint Secretary to Government, Government of A.P., Secretariat
Buildings, Hyderabad.
2 The Commissioner of Agriculture, A.P., Hyderabad.
3 The Joint Director of Agriculture, Ongole, Prakasam District.

...RESPONDENT (S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate order or direction more particularly one in the nature of Writ of Certiorari call for the records in connection with the order dated 20.2.2003 passed in O.A.No.4280 of 1997 by the A.P. Administrative Tribunal, Hyderabad and quash the same as illegal, arbitrary, improper and against the principles of natural justice and consequently set-aside the order in G.O.Ms.No.237, Agriculture & Cooperation [Agrl.I]Department, passed by the 1st respondent.

For the Petitioner: MR.CH.JAGANNADHA RAO

For the Respondent No.: GP FOR AGRICULTURE

The Court Made the Following:

W.P.NO.5775 OF 2004

ORAL ORDER: (PER GB, J)

This Writ Petition is filed challenging the order passed by the A.P. Administrative Tribunal in O.A.No.4280 of 1997 dated 20-03-2003.

2. The said O.A. was dismissed by an order dated 20-03-2003. The principal contention of the learned counsel for the petitioner is that the name of Mr. B. Parameshwara Rao, who is the counsel on record was not printed in the cause list dated 17-02-2002 to 21-02-2002. On the other hand, the name of Mr. N. Ravi Prasad Was listed and therefore the counsel could not attend and make his submission before the Tribunal. Therefore, he submits that the order is liable to be set aside.

3. We have heard the learned Government Pleader and also perused the cause list. The name of the counsel was mentioned as Mr. N. Ravi Prasad, whereas in the order, it is mentioned as Mr. B. Parameshwara Rao. There appears to be some omission in carrying out the name of Mr. B. Parameshwara Rao in the cause list, which has resulted in miscarriage of justice. Under the circumstances, we are of the considered view that one more opportunity should be given to the counsel to put forth his pleas before the Tribunal.

4. Accordingly, the order of the Tribunal is set aside and the matter is remitted to the Tribunal for fresh hearing and for passing appropriate orders. The Writ Petition is disposed of directing the Tribunal to dispose of the case within a period of six weeks from the date of receipt of a copy of this order.

ASSISTANT REGISTRAR

June 16, 2004

// TRUE COPY //

SECTION OFFICER

To

1 The Joint Secretary to Government, Government of A.P., Secretariat
Buildings, Hyderabad.
2 The Commissioner of Agriculture, A.P., Hyderabad.
3 The Joint Director of Agriculture, Ongole, Prakasam District.
4. Two C.Cs to The G.P for Agriculture
5. Two C.D. Copies.